

CHAPTER 51. STREET LIGHTS

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§ 51.01 POLICY AND PURPOSE.

(A) The City Council has determined that it is in the best interests of the residents of the city to operate a street light system throughout the city to promote the general health, safety, and welfare of the residents pursuant to M.S. § 412.221, subd. 7. In order to help defray the costs of the establishment, construction, repair, replacement, maintenance, enlargement and improvement of the street light system, it is hereby determined by the City Council that every parcel of property in the General Business and Industrial Zoning Districts benefits from the safety and convenience of street lights and, therefore, there shall be a street light utility charge payable by every lot, parcel or piece of property located within the General Business or Industrial Zoning Districts in the city.

(B) It is hereby determined to be the policy of the city that the benefit of street lighting to any lot, piece or parcel of land developed within the city limits in the General Business or Industrial Zoning Districts is similar and that payment for the services or availability should be collected on as fair, reasonable, and equitable basis as possible. It is further determined that any charge set forth pursuant to this chapter is in addition to any charge pursuant to any other ordinance of the city or any other governmental entity or agency.

(Ord. O9-18-08, passed 8-18-2009)

§ 51.02 INITIATION.

(A) The City Council, in all new subdivisions or upon a petition by a developer or a petition of at least 60% of the property owners within 150 feet of the proposed location, or upon its own initiative or recommendation of the City Engineer based on traffic or safety considerations, shall determine the street, park or other public area on which the city shall install and operate a street lighting system.

(B) *Installation costs.* The cost of installation of the street light system in all new subdivisions shall be included in the cost of required public improvements and may be assessed against the benefiting property owners in accordance with the provisions of M.S. Ch. 429 or other statutory authority. The cost of installation of the street light system in a public improvement project shall be included in the cost of the project and may be assessed against the benefited property owners in accordance with the provisions of M.S. Ch. 429 or other statutory authority.

(C) *Operating costs.* For the purpose of providing funds to defray the cost of maintenance and operation of the street light system, the costs of construction, maintenance and operation of street lights, the costs of electricity, payment of capital charges represented by bonds, certificates of indebtedness, or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises located within the General Business or Industrial Zoning District within the city, a monthly street light utility charge determined as provided in this chapter. (Ord. 09-18-08, passed 8-18-2009)

§ 51.03 AUTHORITY TO IMPOSE STREET LIGHT UTILITY CHARGES.

Street light utility charges shall be determined by resolution of the City Council and shall be as set forth in the city's fee schedule. Street light utility charges shall be collected in conjunction with other city utility charges. The Council may prescribe the date and manner of billing, a penalty for failure to pay within the period set for payment, and such other rules and regulations relative to the system as it may deem necessary from time to time. (Ord. 09-18-08, passed 8-18-2009)

§ 51.04 ENFORCEMENT FOR COLLECTION OF FEES.

Any unpaid or delinquent street light utility charges may be recovered from the occupant or owner of the premises billed therefor in a civil action by the city in any competent jurisdiction or, in the discretion of the City Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the city along with other taxes. Either or both of such methods of collection thereof may be pursued by the city until payment in full has been made, and the initiation of one such method of collection shall not be deemed to be an election preventing the city from thereafter using the other method of collection until paid in full. Payment of delinquent street light utility charges shall be credited to the same fund used for current street light utility charges, deducting therefrom any costs of collection accruing to the city therefor. (Ord. 09-18-08, passed 8-18-2009)

§ 51.05 EXEMPTIONS.

The following land uses are exempt from street light fees:

- (A) Public rights-of-way;
- (B) City-owned property;

(C) Properties located within the Agricultural Preserve, Sewered Residential, Residential Townhouse, Sewered Residential District Single Family, and the Rural Residential zoning districts. (Ord. 09-18-08, passed 8-18-2009; Am. Ord. 13-001, passed 6-18-2013)